

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DAVID PETERSON,

Plaintiff,

v.

9:19-CV-0569  
(GTS/DJS)

J. LINDSTRAND, Dep. Super. for Administration,  
Great Meadow Corr. Fac.; J. CORLEW, Offender  
Rehab. Coord., Great Meadow Corr. Fac.; C. MILLER,  
Super., Great Meadow Corr. Fac.; and DONALD  
VENETTOZZI, Dir. of Special Housing and Inmate  
Disciplinary Programs, Great Meadow Corr. Fac.,

Defendants.

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APPEARANCES:

OF COUNSEL:

DAVID PETERSON, 01-A-6826  
Plaintiff, *Pro Se*  
Shawangunk Correctional Facility  
P.O. Box 700  
Wallkill, New York 12589

HON. LETITIA A. JAMES  
Attorney General for the State of New York  
Counsel for Defendants  
The Capitol  
Albany, New York 12224

DAVID C. WHITE, ESQ.  
Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* prisoner civil rights action filed by David Peterson (“Plaintiff”) against the four above-captioned employees of the New York State Department of Corrections and Community Supervision (“Defendants”) pursuant to 42 U.S.C. §

1983, is United States Magistrate Judge Daniel J. Stewart's Report-Recommendation (Dkt. No. 72) recommending that Defendants' motion for summary judgment be granted in its entirety and that Plaintiff's Complaint be dismissed. (Dkt. Nos. 1, 56, 72.) No party has filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendants' motion for summary judgment is granted, and Plaintiff's Complaint is dismissed.

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 72) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendants' motion for summary judgment (Dkt. No. 56) is **GRANTED**, and Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**; and it is further

**ORDERED** that any undecided requests set forth in Plaintiff's letter-motion of December


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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

27, 2021 (Dkt. No. 64) are **DENIED** as moot.

The Court certifies that any appeal from this Decision and Order would not be taken in good faith.

Dated: March 8, 2022  
Syracuse, New York



Hon. Glenn T. Suddaby  
Chief U.S. District Judge